IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 5TH DECEMBER 2007 / 14TH AGRAHAYANA 1929

Bail Appl..No. 7476 of 2007()

CRMP.7191/2007 of J.M.F.C., ADOOR
CRIME 872/07 OF ADOOR POLICE STATION

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PETITIONER: 2ND ACCUSED:

SUNIL KUMAR, AGED 30 YEARS,
S/O.SUKUMARAN, SUNIL BHAVAN, NELLIMUKAL,
KADAMPANAD NORTH MURI, KADAMPANAD, ADOOR.

BY ADV. SRI. K.SHAJ
SRI.B.BALRAJ
SRI.SAJJU.S

RESPONDENTS:

STATE OF KERALA REPRESENTED BY ITS
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR ADV.SRI.S.U.NAZER

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 05/12/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

B.A. No. 7476 OF 2007 D

Dated this the 5th day of December, 2007

O R D E R

Application for regular bail. The petitioner faces allegations under the Kerala Abkari Act. The petitioner was allegedly found to transport 350 litres of spirit in a vehicle driven by him on 17/10/2007. The co-accused were allegedly helping the petitioner in the transportation by escorting and giving coverage for the said vehicle. The vehicle was signalled to stop but it did not stop. There was a chase and ultimately the petitioner was arrested. The petitioner continues in custody from 17.10.07. Investigation is not complete. Final report has not been filed yet. The learned Public Prosecutor submits that considering the stage of investigation, the final report cannot be filed by 17.10.07.

2. The learned counsel for the petitioner prays, the learned Public Prosecutor does not oppose the said prayer on condition that the investigator is given the full complement of 60 days to complete the investigation and I am satisfied that regular bail can be granted to the petitioner subject to appropriate

conditions.

3. In the result, this petition is allowed. The petitioner shall be enlarged on bail on the following terms and conditions:

i) The petitioner shall not be released on bail on the strength of this order prior to 17/12/2007. The investigating officer shall, in the meantime, make every endeavour to complete the investigation.

ii) He shall execute a bond for Rs.1,50,000/- (Rupees one lakh and fifty thousand only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

iii) The petitioner shall make himself available for interrogation before the investigating officer between 10 a.m and 12 noon on all Mondays and Fridays for a period of three months from the date of his release and thereafter as and when directed by the investigating officer in writing to do so.

(R.BASANT, JUDGE)

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